

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GARY KOSSEFF, Individually and On Behalf of)
All Others Similarly Situated,)
Plaintiff,) CIVIL ACTION NO. 07-10984
vs.) "ECF CASE"
MERRILL LYNCH & CO., INC., MERRILL)
LYNCH CAPITAL TRUST I, MERRILL)
LYNCH CAPITAL TRUST II, MERRILL)
LYNCH CAPITAL TRUST III, E. STANLEY)
O'NEAL, AHMASS L. FAKAHANY,)
GREGORY J. FLEMING, JEFFREY N.)
EDWARDS, LAURENCE A. TOSI, CAROL T.)
CHRIST, ARMANDO M. CODINA, VIRGIS)
W. COLBERT, JILL K. CONWAY, ALBERTO)
CRIBIORE, JOHN D. FINNEGAN, JUDITH)
MAYHEW JONAS, DAVID K.)
NEWBIGGERING, AULANA . PETERS,)
JOSEPH W. PRUEHER, ANN N. REESE,)
CHARLES O. ROSSOTTI, MERRILL)
LYNCH, PIERCE, FENNER & SMITH)
INCORPORATED, CITIGROUP GLOBAL)
MARKETS INC., MORGAN STANLEY &)
CO. INCORPORATED, UBS SECURITIES)
LLC, WACHOVIA CAPITAL MARKETS,)
LLC, and DELOITTE & TOUCH LLP,)
Defendants.)

AFFIDAVIT OF SERVICE

Matthew C. McManus, being duly sworn, deposes and says:

1. I am not a party in this action, am over 18 years of age and am employed

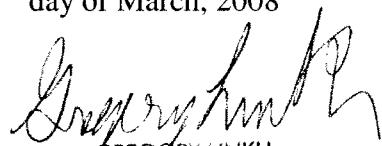
by Murray, Frank & Sailer, LLP., 275 Madison Avenue, New York, NY 10016.

2. On the 29th day of February, 2008, I Personally served a true copy of the Summons and Complaint upon Aixa Flores, who accepted service for defendants, MERRILL LYNCH & CO., INC., MERRILL LYNCH CAPITAL TRUST I, MERRILL LYNCH CAPITAL TRUST II, MERRILL LYNCH CAPITAL TRUST III, E. STANLEY O'NEAL, AHMASS L. FAKAHANY, GREGORY J. FLEMING, JEFFREY N. EDWARDS, LAURENCE A. TOSI, CAROL T. CHRIST, ARMANDO M. CODINA, VIRGIS W. COLBERT, JILL K. CONWAY, ALBERTO CRIBIORE, JOHN D. FINNEGAN, JUDITH MAYHEW JONAS, DAVID K. NEWBIGGING, AULANA . PETERS, JOSEPH W. PRUEHER, ANN N. REESE, CHARLES O. ROSSOTTI, MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED and MORGAN STANLEY & CO. INCORPORATED and is an employee at CT Corporation System; 111 8th Avenue, New York, NY 10011.



Matthew C. McManus

Sworn to before me the
3rd day of March, 2008



GREGORY LINKH
Notary Public, State of New York
No. 02LI6135245
Qualified in Kings County
Commission Expires Oct. 17, 2004